UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SIEGFRIED PUMBERGER, NANCY PUMBERGER, individually and on behalf of all others similarly situated, PLAINTIFFS

v. Case No. 1:10cv217-LGR-RHW

CERTAINTEED GYPSUM AND CEILING MANUFACTURING, INC., A Delaware Corporation, and CERTAINTEED GYPSUM, INC. DEFENDANTS

RULE 41 NOTICE OF VOLUNTARY DISMISSALWITHOUT PREJUDICE

The parties, by and through counsel, and pursuant to Rule 41(a)(1)(A)(ii), hereby stipulate that this matter be dismissed without prejudice and that each party shall bear its own costs.

Respectfully submitted, this the 25th day of August, 2010.

By: /s/ David McMullan, Jr.

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CERTIFICATE OF SERVICE

I, David McMullan, Jr., hereby certify that a copy of the foregoing was served on August 25th, 2010 via the CM/ECF system on all counsel of record in this action.

/s/ David McMullan, Jr.
David McMullan, Jr.